

87-1948

Supreme Court, U.S.

FILED

MAY 24 1988

JOSEPH F. SPANGL,
CLERK

CASE #

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1987

REGINALD B. SNYDER,

Appellant

Vs.

THE NOMINATION PETITION

OF JEAN T. WILSON, CANDIDATE FOR THE

PENNSYLVANIA GENERAL ASSEMBLY.

On Appeal from the Supreme
Court of Pennsylvania

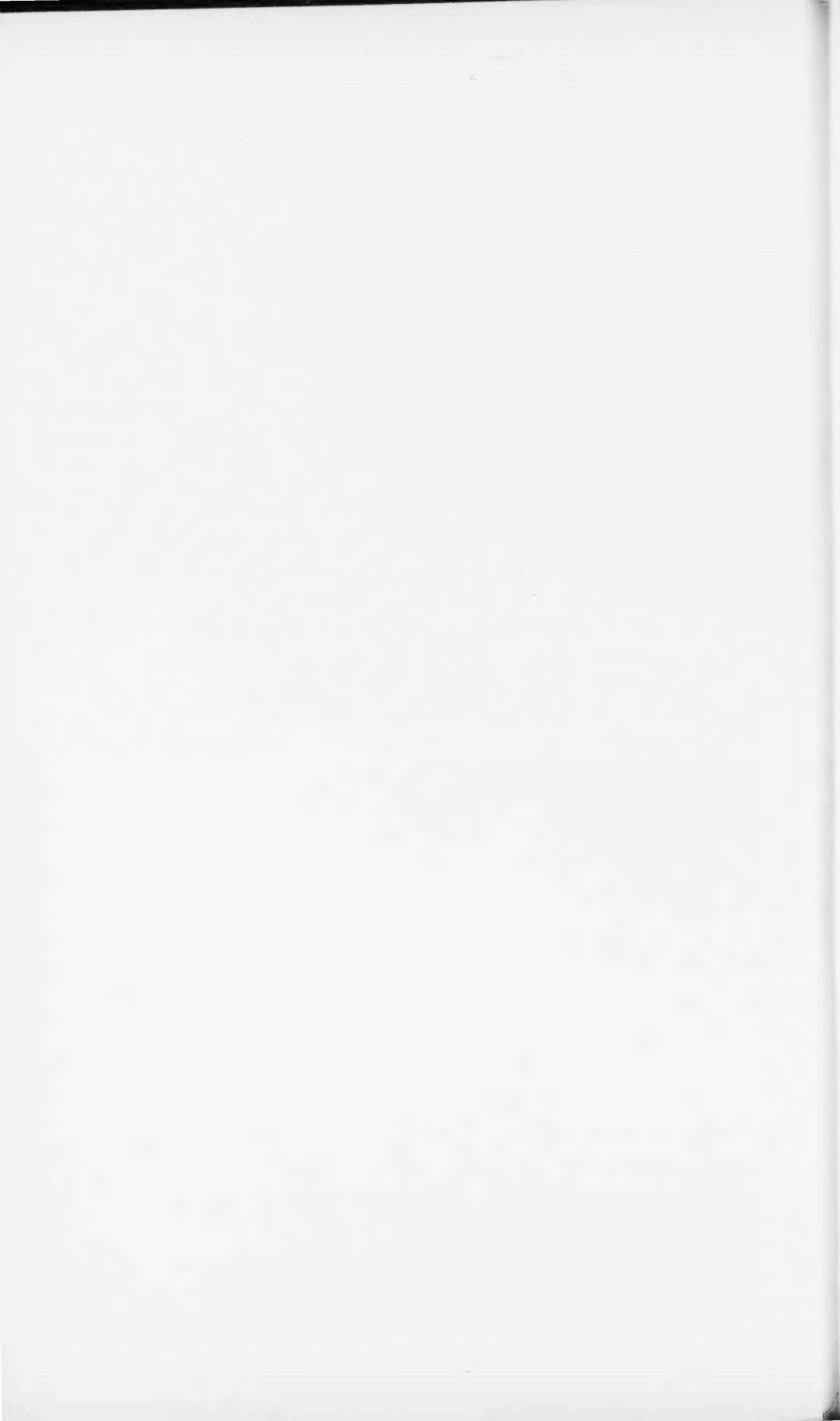
JURISDICTIONAL STATEMENT

page six

REGINALD B. SNYDER
2672 Bristol Rd.
Warrington, PA 18976
(215) 343-2454

Appellant in
Pro Per

10/11/87



Questions Presented

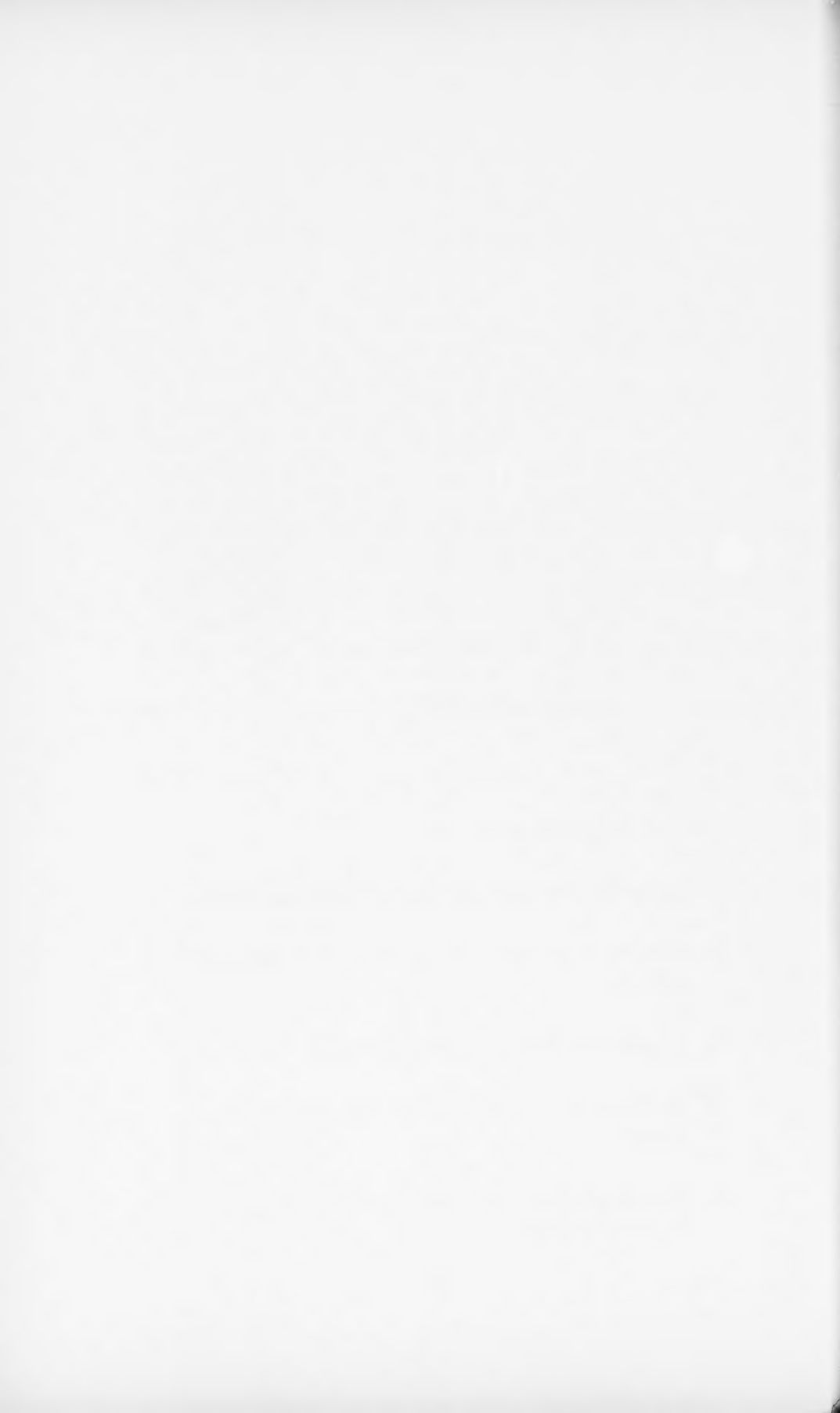
Can the U.S. Supreme Court assume Jurisdiction and become a court of last resort, in a case which was wrongfully quashed? The action of quashing was from a State Supreme Court which was a court of direct and first appeal.

Should the U.S. Supreme Court order the State (Secretary of the Commonwealth) to set aside the Candidacy of Jean T. Wilson and declare the Candidate with the largest number of legal votes the nominee, and therefore correct the fraud bestowed upon the people of a State legislative district?



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TO THE PENNSYLVANIA SUPREME COURT

RE: RULE 1115 (4) RULES OF APPELLATE
PROCEDUREIN REVIEW

Among the candidates that filed to run for Representative in the General Assembly for the 144th district, was one Benjamin Wilson. Benjamin Wilson passed away on the sixth of March, 1988.

Persons circulated petitions to nominate the widow of Benjamin Wilson and turned in 342 written names.

Candidate Snyder objected to the petitions and in open court using a handwriting expert set aside 65 names.

The court made an interpretation of a 1937 code that would allow her name on the ballot with as little as 217 names. This would sidestep the requirement of a threshold of 300 signatures.



This was an interpretation of the word majority, petitioner respectively submits to the Justices of this court that there are reasons to appeal this opinion and disregard this use of the word majority.

SUPRESSED EVIDENCE

Another reason for this appeal is the non acceptance of our contention concerning Notary Jurits.

TRANSCRIPTS

Transcripts of our hearing March 31, 1988 in Commonwealth Court reflect a disorderly proceeding in which the attorney for the respondent appears to have conspired with the judge, both in the requiring of a handwriting expert, and the suppressing of certain evidence.



OPINION

Then in the judges opinion the record shows he admitted that a handwriting expert was not necessary, cited section #1921 (c) which lists the methods of finding legislative intent, and conjectured a conflict between two general provisions of the election code.

FINDING

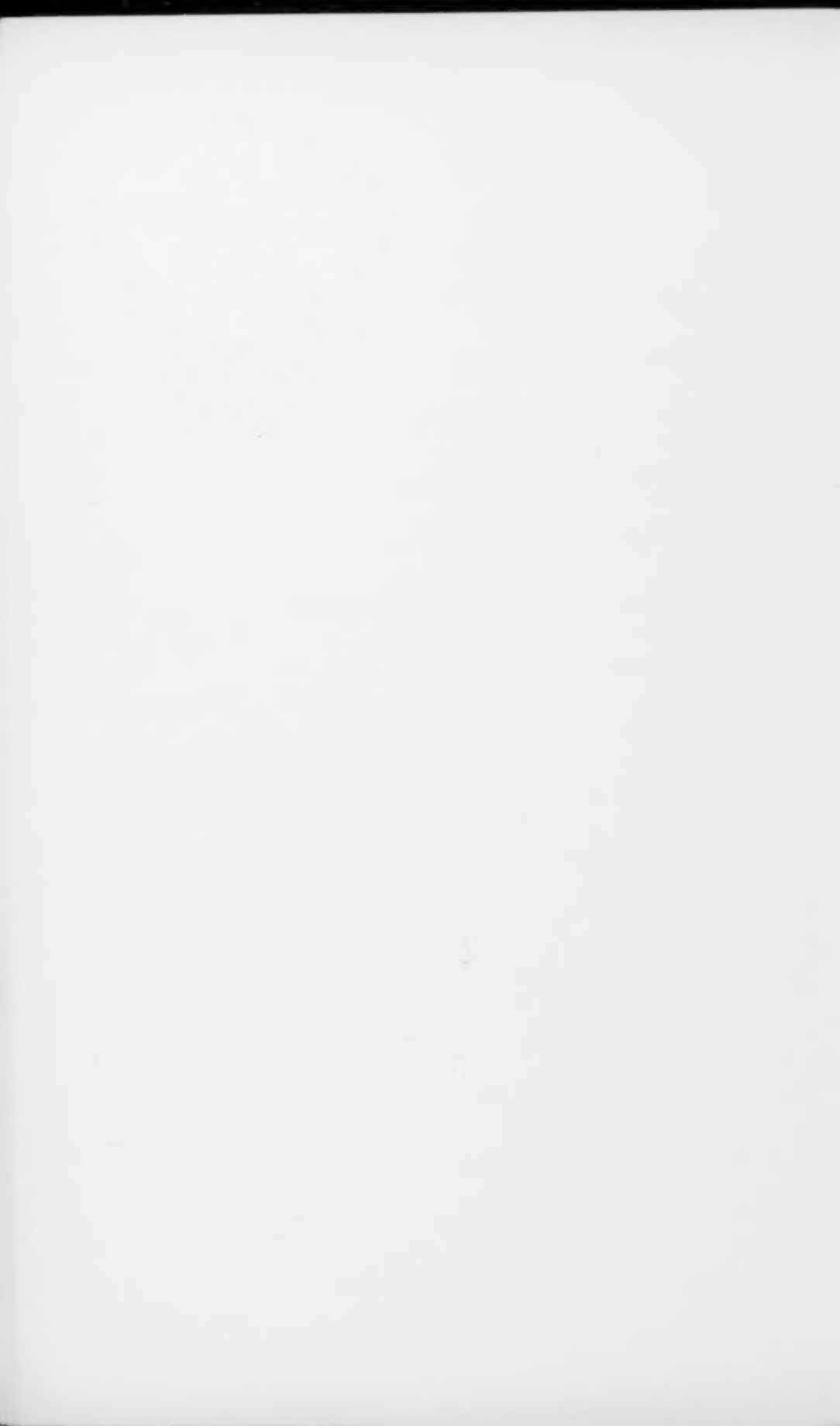
Researching the 1937 law disclosed that for a replacement candidate to be placed on a ballot, a Death Certificate must be filed with the new candidates petitions. No Death Certificate was in fact filed.

Plea

The Pennsylvania State Supreme Court has wrongfully denied my appeal. Therefore it is averred that when the State Supreme Court wrongfully denied my direct appeal the U.S. Supreme Court has become my court of last resort, and first appeal. And therefore should assume Jurisdiction of this case.

Attempted Appeal to be reviewed

The Supreme Court of Pennsylvania heard oral argument of my appeal on 4/13/88. My appeal was filed 4/12/88 No. 359 E.D. Allocatur Dkt. On 4/18/88 the State Supreme Court decided to Quash my appeal citing Pa. R.A.P. 903 (c) (2). Section 903 (c) (2) requires appeals to be made in 10 days. I then filed a request to reconsider on 4/25/88 citing that an appeal was made within 7 days. My request was denied on 4/25/88.



NOTE

The Commonwealth Court Opinion Entered the official record on April 5, 1988

CONCLUSION

Appellant requests the Supreme Court of the United States by Judges of said court:

To review enclosed information and upon agreement that appellant was denied a proper due process, and upon agreement that appellee has not complied with Pennsylvania law pertaining to nomination petitions, set a hearing date and issue an order removing the name Jean T. Wilson from the ballot to be printed for the November 1988 election.

Section 3477 of the Pennsylvania Election Code allows for the setting aside of an illegal candidate, even after a primary or general election.

Under 3477 the Pennsylvania Supreme Court can declare that the person with the greatest number of legal votes is to be certified to the Secretary of the Commonwealth as nominated or entitled to an office.



Petitioner hereby gives Notice of Appeal from
 the order entered in this case #359 E.D. State
 Supreme Court of Pennsylvania to the following.

Jean T. Wilson	by first class mail
12 Farview Rd.	
Chalfont, Pa. 18914	

Allen C. Warshaw, Esquire	by first class mail
240 North Third Street	
Harrisburg, Pa. 17108	

The Pennsylvania Supreme Court	hand
Room 468 City Hall	delivery
Phila., Pa. 19107 (215) 560-6370	

The foregoing is a accurate and true copy of our
 appeal to the U.S. Supreme Court.

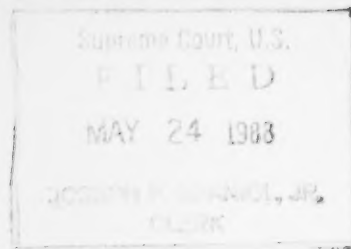
Sworn and
 Subscribed this

Reginald B. Snyder
 2672 Bristol Rd.
 Warrington, Pa. 18976

_____ day of

_____ 1988

87-1948



CASE #

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1987

REGINALD B. SNYDER,

Appellant

Vs.

THE NOMINATION PETITION
OF JEAN T. WILSON, CANDIDATE FOR THE
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On Appeal from the Supreme
Court of Pennsylvania

APPENDICES

REGINALD B. SNYDER
2672 Bristol Rd.
Warrington, PA 18976
(215) 343-2454

Appellant in
Pro Per

227/2



APPENDICES

A. ORDER FROM COMMONWEALTH COURT
3/31/88

B. OPINION FROM COMMONWEALTH COURT
4/5/88

C. ORDER FROM THE STATE SUPREME
COURT OF PENNSYLVANIA OF
QUASHING 4/18/88

D. ORDER FROM THE STATE SUPREME
COURT OF DENIAL 4/25/88

E. ORAL ARGUMENT TO BE PRESENTED
TO THE U.S. SUPREME COURT

IN RE: NOMINATION : IN THE COMMONWEALTH
OF JEAN T. WILSON : COURT OF PENNSYLVANIA

REGINALD B. SNYDER : NO. 698 C.D. 1988
PETITIONER

ORDER

The Petition of Reginald B. Snyder to set aside the nomination petition of Jean T. Wilson as a Republican candidate in the General Assembly for the 144th Legislative District is hereby dismissed. The Secretary of the Commonwealth is directed to certify the name of Jean T. Wilson for inclusion on the ballot for the Primary Election of April 26, 1988 for the office of Representative. Opinion to follow.

The Cheif Clerk is directed to notify the parties forthwith of this Order and to certify a copy thereof to the Secretary of the Commonwealth of Pennsylvania.

Date: March 31, 1988

John A. MacPhail
Judge

IN RE: NOMINATION	:	IN THE COMMONWEALTH
PETITION OF JEAN	:	COURT OF PENNSYLVANIA
T. WILSON	:	
REGINALD B. SNYDER,	:	NO. 698 C.D. 1988
PETITIONER	:	

BEFORE: HONORABLE JOHN A. MacPHAIL, JUDGE

HEARD: MARCH 31, 1988

OPINION NOT REPORTED



MEMORANDUM OPINION
BY JUDGE MacPHAIL

FILED: APRIL 5, 1988

On March 31, 1988 we filed an order dismissing the petition of Reginald B. Snyder to set aside the nomination petition of Jean T. Wilson. This opinion is in support of that order.

At the outset, we must determine how many valid signatures Mrs. Wilson must have in order to be a candidate of the Republican Party for the office of Representative in the General Assembly for the 144th Legislative District. Section 912 of "Pennsylvania Election Code" (Code), Act of June 3, 1937, P.L. 1333, added by section 2 of the Act of December 12, 1984, P.L. 968 as amended, 25 P.S. § 2872.1, provides that the nomination petition for Representative shall have at least 300 valid signatures. Mrs. Wilson's petition contains 342 signatures.



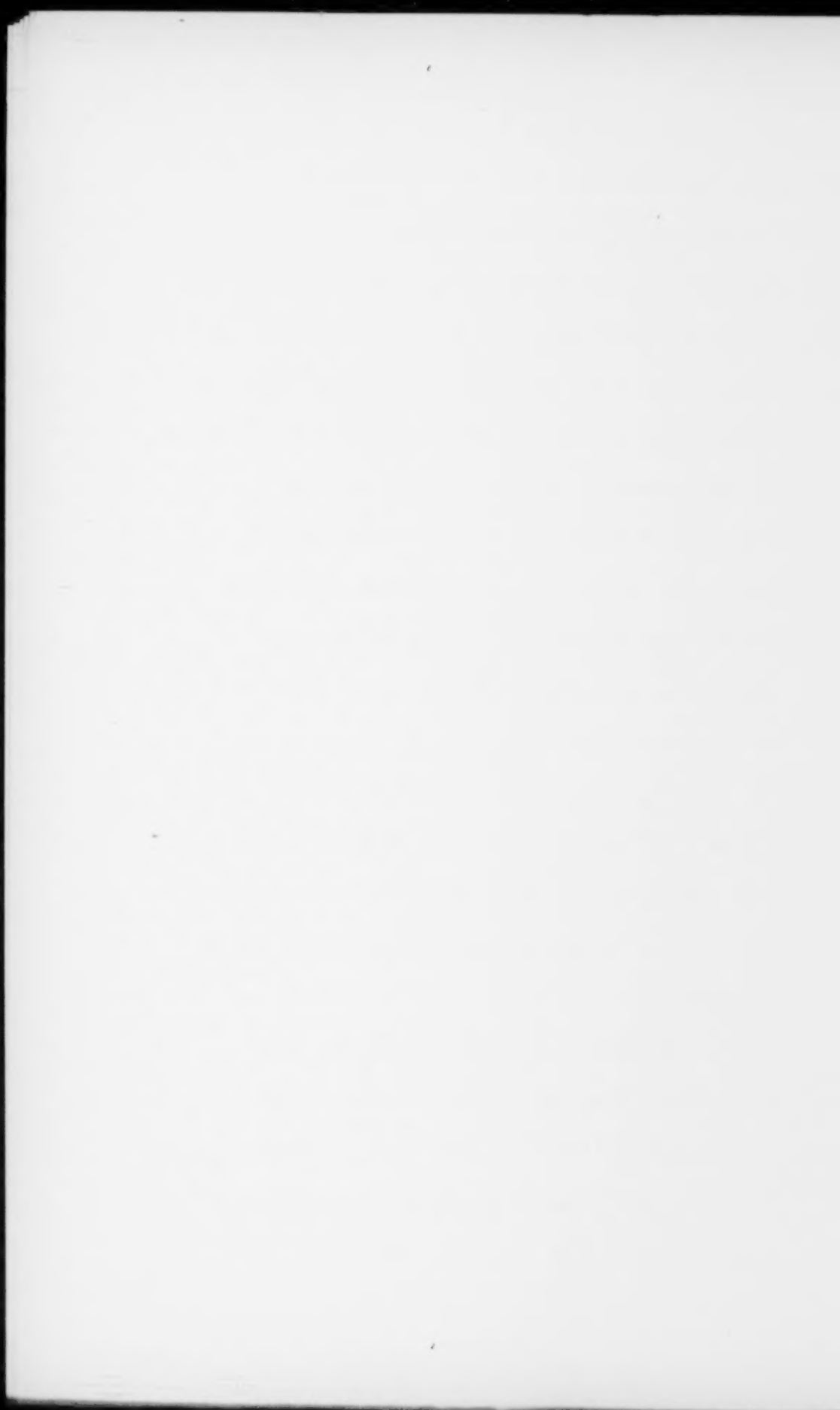
Mrs. Wilson's petition represents, however, that she is a substitute candidate inasmuch as Benjamin H. Wilson was the original candidate who filed a nomination petition and who died after his petition was filed. There is uncontroverted evidence in the record that Mrs. Wilson is Mr. Wilson's surviving widow.

Section 917 of the Code, 25 P.S. § 2877, provides that where a candidate dies before the primary election, persons who signed the decendant's petition proposing a new candidate for the office. Critical here is the language in Section 917. It reads as follows:

Where a nomination petition has been duly filed for any primary, under the provisions of this article,

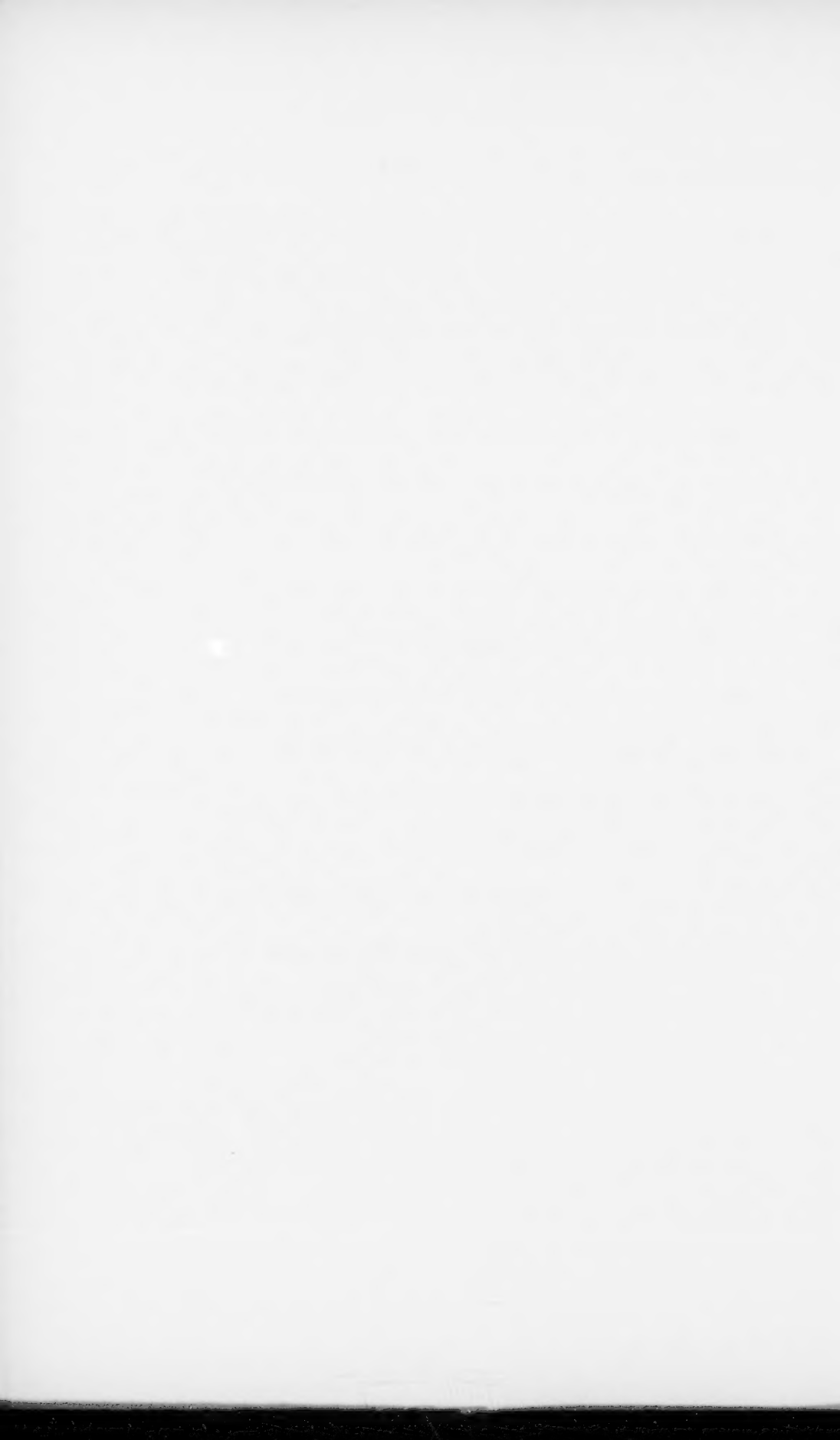
and thereafter, and before the day of the primary, the candidate named in said petition dies, the original signers of said petition, or the majority of them, may sign another petition proposing a new candidate for said office at any time prior to the printing of the ballots or ballot labels. Said petition shall have the same force and effect as the original petition, and the name substituted for that of the deceased candidate.

Mr. Wilson's petition contained 432 signatures. Mrs. Wilson contends that the plain language and clear meaning of Section 917 is that if her petition contains 217 valid signatures, her petition must be accorded the same force and effect as that of her late husband and that her name should be substituted for that of her --



-husband on the April 26, 1988 primary election ballot. Neither Mr. Snyder, who proceeded pro se, nor counsel for Mrs. Wilson have cited any case law construing Section 917, and we have found none. It is quite apparent that there is an irreconcilable conflict between Sections 912 and 917.

We must agree with Mrs. Wilson that there is no ambiguity in the language used by the legislature. We are aware of the provisions of Sections 1934 and 1936 of the Statutory Construction Act of 1972 (Act), 1 Pa. C.S. §§ 1934 and 1936. Section 912 of the Code was last amended by the Act of December 12, 1984, P.L. 968, effective January 1, 1985. By that amendment, the number of signatures required for Representative was raised to 300.



That amendment, obviously, is later in time than the provisions of Section 917 and, ordinarily that fact would require us to invoke Section 1936 of the Act. We note, however, that in the original Code, the same irreconcilable conflict existed between the two Sections and that fact would require us to invoke the provisions of Section 1934 of the Act!

Under such circumstances, we look to the legislative intent and after giving due consideration to the factors set forth in Section 1921 (c) of the Act, 1 Pa. C.S. § 1921 (c), we conclude that the intent of the Legislature was was to provide in Section 917 for the unusual circumstances attendant to a candidate's untimely death by providing that something less than the usual number of signatures should be ---

- required where the time constraints of the code otherwise would make it virtually impossible for a substitute candidate to obtain the number of signatures normally required.

Our conclusion in this regard is critical in the matter now before us because we also have concluded that there are 65 invalid signatures on Mrs. Wilson's petition. If she is required to have 300 signatures, her petition must be set aside; if, on the other hand, she is required to have only 217 valid signatures, then her name must appear on the ballot.

Mr. Snyder has filed numerous objections to Mrs. Wilson's petition but the evidence he produced is sufficient to sustain only those challenges set forth in ---



category (a) of his petition
(more than one signature made by
one person), category (c)
(signatures invalid when compared
with those appearing on Mr. Wilson's
petition) and category (e)
(signature appears twice on Mrs.
Wilson's petition).

Based largely upon the testimony
of the handwriting expert produced by
Mr. Snyder we have sustained
objections to 18 names in category (a),
46 names in category (c) and 1 name in
category (e). As we have noted,
however, that still leaves Mrs. Wilson
with 277 valid signatures, or 60 more
than we believe is required.

We deem it necessary to address
several other matters.



Mrs. Wilson's affidavit indicates that the name which is to appear on the ballot is Jean T. Wilson. That is the name which is to appear on the ballot is Jean T. Wilson. That is the name appearing on all of the pages where signatures of electors have been affixed. The candidate's affidavit is signed, however, by Jean L. Wilson. Mr. Snyder would have us set aside the entire petition for this defect.

The defect was cured by testimony of Mrs. McIlhinney, a Notary Public who said she knew Mrs. Wilson personally, that Mrs. Wilson was the widow of Ben Wilson and that Mrs. Wilson was known as both Jean L. Wilson and Jean T. Wilson. We also accept Mrs. Wilson's affidavit to the same effect.



The handwriting expert testified that all the names appearing on page 1 of Mrs. Wilson's petition "very-possibly" were signed by 4 different persons. Mr. Snyder moved to strike the entire page. We first observe that even if we struck the entire page containing 24 signatures, Mrs. Wilson still would have more than the required 217 valid signatures remaining. We hold however, that since Mrs. Setlak, the expert, could not testify unequivocally on this matter because of lack of time she had to observe the papers, we must discredit her testimony in that regard only.

Finally, we took several motions under advisement during the course of the hearing.



We now grant Mrs. Wilson's motion to strike the testimony of John J. Reese, Jr. as irrelevant and her motion to strike the testimony of Frank Gougher as incompetent. We deny her motion to strike Mr. Daniel B. Snyder's testimony. We erroneously held that Mr. Snyder had to produce a handwriting expert to test the validity of signatures on the Wilson's petitions. This error was not prejudicial, however, inasmuch as Mr. Snyder did produce a handwriting expert, whose testimony we have found to be credible. Moreover, this was the only competent evidence produced by Mr. Snyder on this issue.

Because Mr. Snyder was proceeding pro se, we gave him much leeway in the presentation of his evidence but found that that evidence nevertheless fell --

- far short of meeting the burden that was his to provide that Mrs. Wilson's petition lacked the requisite number of signatures.

For the above reasons, we dismissed Mr. Snyder's petition to set aside the nomination petition of Jean T. Wilson.

John A. MacPhail, Judge

CERTIFIED FROM THE RECORD

and order exit

APR 5 1988

County Prothonotary- Chief Clerk

SUPREME COURT OF PENNSYLVANIA

EASTERN DISTRICT

IN THE MATTER OF A : NO. 359 E.D.
CANDIDATE FOR STATE
REPRESENTATIVE: : ALLOCATUR
DOCKET 1988
REGINALD B. SNYDER :
Petitioner :
V.

JEAN T. WILSON, A
CANDIDATE FOR STATE
REPRESENTATIVE 144th
LEGISLATIVE DISTRICT
BUCKS COUNTY

JUDGMENT

ON CONSIDERATION WHEREOF, it is
now here ordered and adjudged by this
Court that the appeal from Order of the
COMMONWEALTH COURT, be, and the same is
hereby Quashed.

Marlene F. Lachman, Esq.

Prothonotary

Dated: 4/18/88



(J-95 of 1988)

IN THE SUPREME COURT OF PENNSYLVANIA

Eastern District

IN THE MATTER OF : No. 359 E.D.
A CANDIDATE FOR : Allocatur Dkt.
STATE :
REPRESENTATIVE: : Appeal from Order
: of Commonwealth Court
REGINALD B SNYDER entered March 31,
Petitioner 1988, at No. 698 C.D.
v. 1988

JEAN T. WILSON, :
a Candidate for :
State Representative :
144th Legislative :
District :
Bucks County : Argued: April 13,

1988

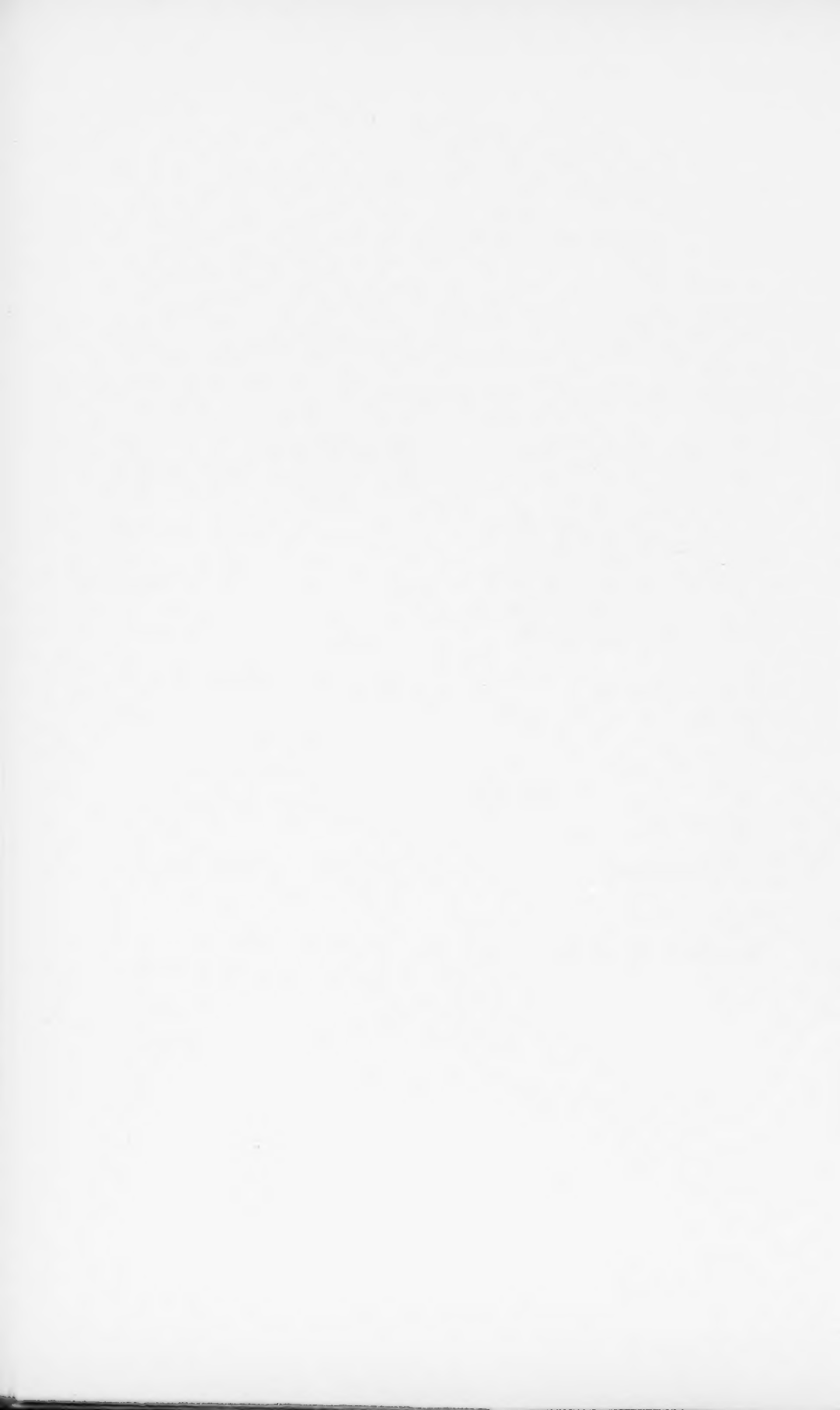
ORDER

PER CURIAM:

FILED: APRIL 18,
1988

Appeal quahsed. See Pa. R.A.P. 903

(c) (2).



SUPREME COURT OF PENNSYLVANIA

EASTERN DISTRICT

APRIL 25, 1988

468 CITY HALL
PHILADELPHIA, PA. 19107
(215) 560-6370

MARLENE F. LACHMAN ESQ.
PROTHONOTARY
PATRICK TASSOS
DEPUTY PROTHONOTARY

REGINALD B. SNYDER
325 Bradford Avenue
Warrington, Pa. 18976

RE: IN THE MATTER OF A CANDIDATE FOR
STATE REPRESENTATIVE: REGINALD B.
SNYDER, Petitioner v. JEAN T. WILSON,
a Candidate for State Representative
144th Legislative District, Bucks
County

No. 359 E.D. Allocatur Docket 1988



Dear Mr. Snyder:

Enclosed herewith please find a
certified copy of the Order entered
in the above captioned matter.

Very truly yours,

Marlene F. Lachman, Esquire

Prothonotary

/ma

cc: Allen C. Warshaw, Esquire

IN THE SUPREME COURT OF PENNSYLVANIA

Eastern District

IN THE MATTER OF A	:	No. 359 E. D.
CANDIDATE FOR	:	Allocatur Dkt.
STATE REPRESENTATIVE	:	1988
	:	
REGINALD B. SNYDER,	:	
Petitioner	:	

v.

JEAN T. WILSON, a
Candidate for State
Representative 144th
Legislative District
Bucks County



ORDER

PER CURIAM:

AND NOW, this 25th day of April, 1988, the request to reconsider the Order entered by this Court on April 18, 1988, is denied.

A TRUE COPY FROM RECORD

Attest: 4/25/88

Marlene F. Iachman, Esquire
Prothonotary, Supreme Court
of Pennsylvania, Eastern District

IN THE SUPREME COURT OF PENNSYLVANIA

Petitioner hereby gives Notice of Appeal from
the order entered in this case #359 E.D. State
Supreme Court of Pennsylvania to the following.

Jean T. Wilson
12 Farview Rd.
Chalfont, Pa. 18914

by first class mail

Allen C. Warshaw, Esquire
240 North Third Street
Harrisburg, Pa. 17108

by first class mail

The Pennsylvania Supreme Court
Room 468 City Hall
Phila., Pa. 19107 (215) 560-6370

hand
delivery

THREE COPIES OF OUR JURISDICTIONAL
STATEMENT AND THREE COPIES OF OUR
APPENDICES WERE SENT TO ALLEN WARSHAW

ON 5/25/88

Sworn and
Subscribed this

Reginald B. Snyder
2672 Bristol Rd.
Warrington, Pa. 18976

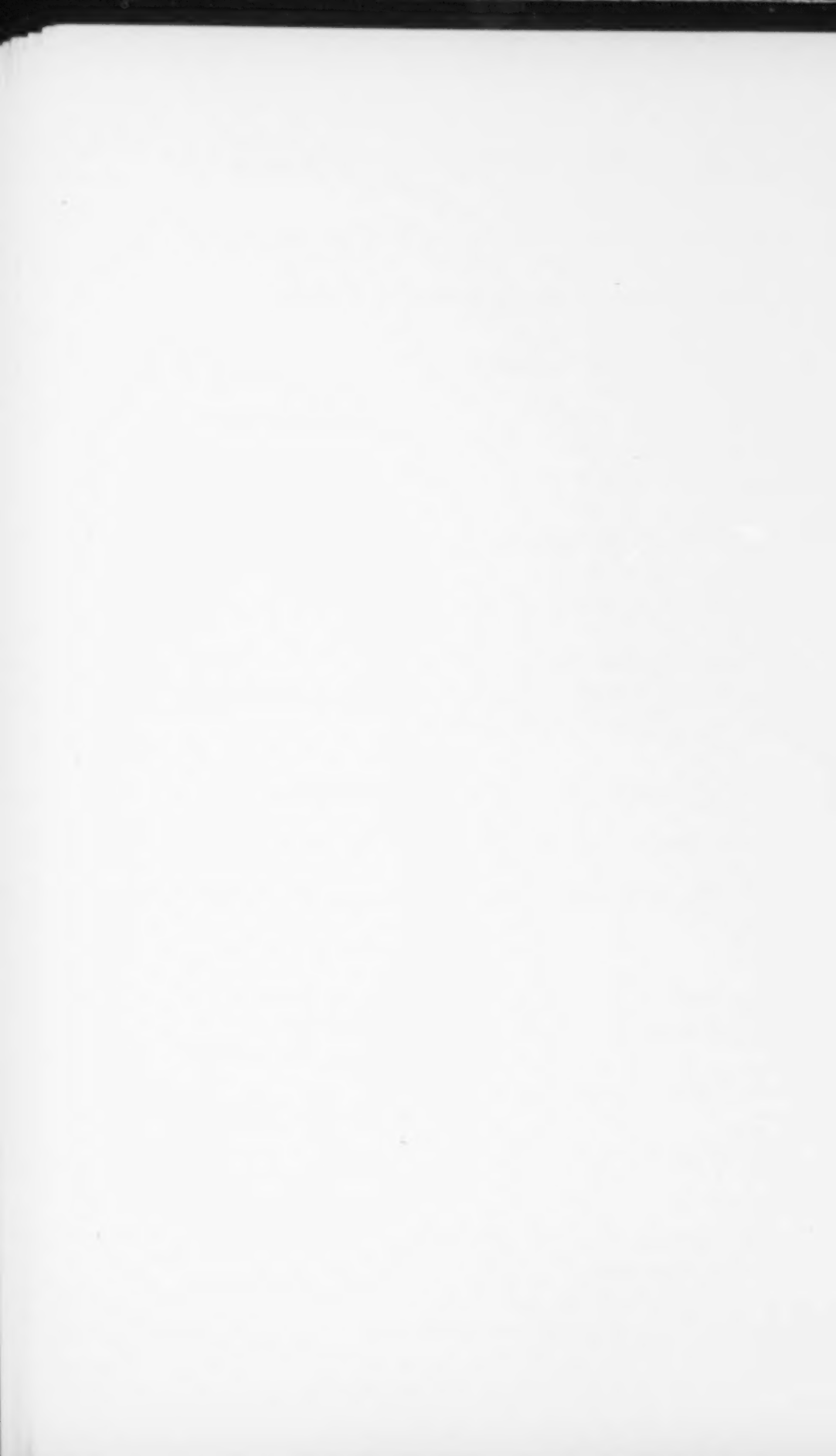
25th day of
May 1988

Reginald B. Snyder

Daniel B. Snyder

DANIEL B. SNYDER, NOTARY PUBLIC
WARRINGTON TOWNSHIP, BUCKS COUNTY
MY COMMISSION EXPIRES JUNE 19, 1999
Member, Pennsylvania Association of Notaries





(E)

ORAL ARGUMENT TO BE PRESENTED TO

THE U.S. SUPREME COURT

Page three of Judge MacPhails opinion points to section 1921 (c) of the Pennsylvania Construction of Statutes. Ninteen Twenty One concerns Legislative intent controls and (c) lists the eight ways to find legislative intent, but not one of the eight ways should lead one to assume that something less than the threshold number of petition signers should be allowed.

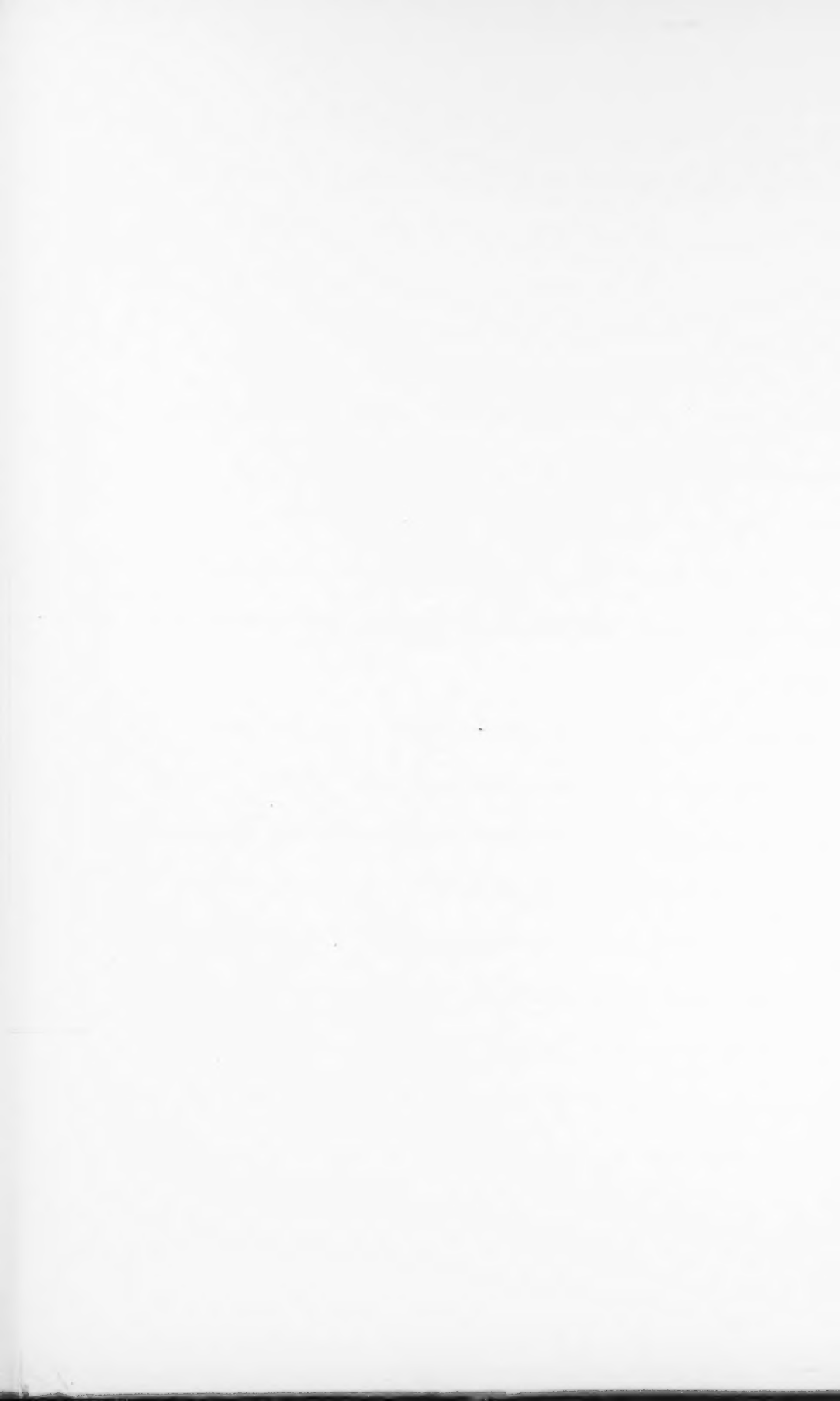
Reading section 2877 it is to be seen that the six words (the original signers of said petition) would be out of place if Judge MacPhail's opinion should stand.

It is obiviou that in this situation the majority of original signers must approve of the new candidate,

and if the majority is enough to meet the threshold number of signers, then that is all that is required but if all of the original signers are needed to meet the threshold then that is required.

However notwithstanding Judge MacPhail's assertion of an irreconcilable conflict existing in the original election code, we submit that no irreconcilable conflict, between codes exist, did exist, or could exist.

The General Provision and I quote out of context (In the case of all other nominations, the number of qualified signers/ electors of a district shall be at least equal to two per centum of the vote cast in the last election.) - uses the word all and the word all would supersede the word majority if there was a conflict, as 2877 was not a special provision.



However no attempt was made in 2877 to excuse anyone from the threshold, so no conflict can exist.

Section 917 of the Code, 25 P.S. §2877

CONTAINS THE CRITICAL
LANGUAGE AND THE SIX
WORDS IN QUESTION

THE SIX WORDS IN QUESTION
ARE UNDERLINED

917. reads in full as follows:

Where a nomination petition has been duly filed for any primary, under the provisions of this article, and thereafter, and before the day of the primary, the candidate named in said petition dies, the original signers of said petition, or the majority of them, may sign another petition proposing a new candidate for said office at any time prior to the printing of the ballots or ballot labels. Said petition shall have the same force and effect as the original petition, and the name of the candidate so nominated shall be substituted for that of the deceased candidate.